

REMARKS

This Amendment amends claims 1, 3, 5, 6, and 10, and adds new claims 19-22 in accordance with the original disclosure. Support for the amendments to claim 1 is found, for example, in Figs. 1-3 and in the specification at paragraph 0026. Support for new claims 19-22 is found in original claims 2-5. Claims 1-22 are now present in this application.

Allowable Subject Matter

In paragraph 8 of the Office Action, the Examiner states that claims 6, 7, and 11-18 would be allowable if rewritten in independent form. As set forth above, Applicants have rewritten claim 6 in independent form. Therefore, claim 6 (and claim 7 which depends directly therefrom) are now believed to be in condition for allowance. Additionally, Applicants have added new claims 19-22, which correspond to original claims 2-5 but depend from newly independent claim 6. Since claims 19-22 depend from a claim believed to be in condition for allowance, these claims are also believed to be in condition for allowance. Reconsideration of the objections and allowance of all of claims 6, 7, and 19-22 are respectfully requested.

Applicants have not rewritten allowable claims 11-18 in independent form at this time since Applicants believe amended claim 1 is patentable over the cited prior art and, therefore, claims 11-18, which depend therefrom, are also believed to be in condition for allowance.

Rejections Under 35 U.S.C. § 101

Claims 1-18 stand rejected for recitation of “the right leg” which the Examiner states is directed to, or including within its scope, a human. As suggested by the Examiner, Applicants have amended claim 1 to delete all reference to the operator. Reconsideration of the rejections under 35 U.S.C. § 101 is respectfully requested.

Rejections Under 35 U.S.C. § 112

Claims 3 and 5 stand rejected for indefiniteness for the reasons set forth in paragraph 4 of the Office Action. As set forth above, Applicants have amended claim 3 to correct the improper antecedent basis for “the region” and “the seat contour”. Applicants

have amended claim 5 to delete the trademark “Bowden”. Therefore, reconsideration of the rejections of claims 3 and 5 is respectfully requested.

Rejections Under 35 U.S.C. § 103

A. Claims 1-3 and 8-10

Claims 1-3 and 8-10 stand rejected for obviousness over the teachings of U.S. Patent No. 6,446,758 to Schatz. In view of the above amendments and the following remarks, reconsideration of these rejections is respectfully requested.

Claim 1, as amended, is directed to an industrial truck having dual pedal control. The truck includes a first stationary pedal for forward travel and a second stationary pedal for reverse travel. A driver's seat can be swiveled about an approximately vertical axis of rotation. The driver's seat is capable of swiveling in a clockwise direction from a normal position associated with a forward travel direction by an amount in the range of at most 15 to 25 degrees to an oblique position associated with a reverse travel direction. The first and second pedals are located in a foot space of the truck, with the first pedal located to the right of the second pedal with respect to the normal position.

Schatz discloses a forklift truck 10 having a pivotal operator seat unit 34. The seat unit 34 includes a vertical column 32 having a foot console 78 with a drive pedal 82 and a brake pedal 80. As shown in Figs. 3a-3c, the drive pedal 82 and brake pedal 80 pivot along with the seat unit 34 as the seat unit 34 is moved. Thus, Schatz does not teach or suggest the claimed invention of a first stationary pedal for forward travel and a second stationary pedal for reverse travel. Rather, Schatz teaches a conventional configuration of a single drive pedal 82 and a single brake pedal 80. Additionally, Schatz does not teach or suggest stationary first and second pedals as set forth in claim 1. In the Schatz invention, the drive pedal 82 and brake pedal 80 move along with the seat unit 34. Moreover, Schatz does not teach or suggest limiting the seat pivoting to at most an amount in the range of 15 to 25 degrees, as claimed in claim 1. Therefore, for all of the above reasons, claim 1, as amended, is believed patentable over Schatz and in condition for allowance. Reconsideration of the rejection of claim 1 is respectfully requested.

Claims 2, 3, and 8-10 depend either directly or indirectly from, and add further limitations to, claim 1. Since these claims depend from a claim believed to be in condition for allowance, these claims are also believed to be in condition for allowance.

B. Claims 1, 2, 4, 5, 8, and 9

Claims 1, 2, 4, 5, 8, and 9 stand rejected for obviousness over the teachings of EP 1 260 477 (hereinafter “EP ‘477”). In view of the above amendments and the following remarks, reconsideration of these rejections is respectfully requested.

EP ‘477 discloses a fork lift which, as shown, for example, in Figs. 9-11, includes a pivotable seat 4. The fork lift further includes a main accelerator pedal 47 for forward movement and an auxiliary accelerator pedal 48 for reverse movement. As described, for example, in paragraphs 0058-0061, for forward movement, the operator 146 operates the main accelerator pedal 47 with his right foot. When running backwards, the operator 146 rotates the seat 4 and operates the auxiliary accelerator pedal 48 (located to the right of the main accelerator pedal 47) again with his right foot.

EP ‘477 does not teach or suggest the industrial truck as claimed in claim 1 having a first stationary pedal for forward travel located to the right of the second stationary pedal for reverse travel. In EP ‘477, the main pedal 47 is located to the left of the auxiliary pedal 48, which is opposite to that of the present invention. Additionally, EP ‘477 does not teach or suggest limiting the swiveling of the seat to an amount in the range of at most 15 to 25 degrees. Rather, EP ‘477 teaches swiveling to a much larger extent (about 45 degrees in paragraph 0028; 30, 35, 45, or 60 degrees in paragraph 0046). Therefore, claim 1, as amended, is believed patentable over EP ‘477 and in condition for allowance. Reconsideration of the rejection of claim 1 is respectfully requested.

Claims 2, 4, 5, 8, and 9 depend from, and add further limitations to, claim 1. Since these claims depend from a claim believed to be in condition for allowance, these claims are also believed to be in condition for allowance.

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Paper Dated: July 14, 2006
In Reply to USPTO Correspondence of May 5, 2006
Attorney Docket No. 964-032165

Conclusion

In view of the above amendments and remarks, reconsideration of the rejections and objections of claims 1-18 and allowance of all of claims 1-22 are respectfully requested.

Respectfully submitted,

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